

VZCZCXYZ0005  
OO RUEHWEB

DE RUEHNO #0521/01 2641559  
ZNY CCCCC ZZH  
O 211559Z SEP 07  
FM USMISSION USNATO  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1206  
INFO RUEHZG/NATO EU COLLECTIVE PRIORITY  
RUEHSS/OECD POSTS COLLECTIVE PRIORITY  
RUEHMO/AMEMBASSY MOSCOW PRIORITY 5753  
RUEHVEN/USMISSION USOSCE PRIORITY 0411  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RUEKJCS/JCS WASHDC PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY

C O N F I D E N T I A L USNATO 000521

SIPDIS

SIPDIS

E.O. 12958: DECL: 09/20/2017  
TAGS: [PREL](#) [PARM](#) [KCFE](#) [NATO](#) [RS](#) [OSCE](#)  
SUBJECT: SUBJECT: HLTF: NATO ALLIES ENDORSE U.S. PARALLEL  
ACTIONS PROPOSAL

REF: A. A) STATE 126948 HLTF GUIDANCE  
B. B) PARIS 3808 C) VILNIUS 0629 D) MEMORANDUM  
CJ(2007)0658 DATED 12 SEPTEMBER 2007

Classified By: Classified by USNATO DCM Richard Olson for reasons 1.4 (b and d)

1. (C) SUMMARY. At the September 13 HLTF, Allies endorsed the U.S. &Parallel Actions Plan8 as the basis to end the current impasse with Russia on the fulfillment of the remaining Istanbul commitments and ratification of the Adapted CFE Treaty. U.S. HLTF Representative Karin L. Look also successfully convinced Allies to begin development of a matrix of ratification plans, in order to flesh out the three ratification tranches envisioned in the U.S. parallel actions plan. Discussion of the parallel actions plan included a discussion of how NATO should manage its advancement during Germany,s upcoming CFE seminar: Germany appeared to have a unique vision of the seminar as promoting new ideas; most other Allies wanted to use the seminar to push the U.S. approach.

2. The NATO Legal Advisor delivered a technical legal analysis of Russia,s notification to suspend observance of its CFE Treaty obligations, focusing on its July 14 statement, and the application of customary international law as reflected in the Vienna Convention on the Law of Treaties. He concluded that the Russian -iceof suspension8 does not fulfill the CFE Treaty requirements for a withdrawal but his conclusion did not address any other key issues. Look also recalled the need to proceed with planning for the U.S.-proposed Seminar on Implementation of the Adapted CFE Treaty which is envisioned for Spring 2008. The next HLTF meeting is tentatively scheduled for October 19 with a possibility of moving that meeting to October 11 if necessary. END SUMMARY.

Allies React to U.S. &Parallel Actions8 Concept  
-----

3. (C) Prior to the HLTF in Brussels, the United States, Germany, United Kingdom and France (key Allies) met in Paris on September 12 to review the agenda for the HLTF and strategize on how to move forward at the HLTF regarding the U.S. parallel actions plan. Look provided readout of U.S.-Russian consultations the previous day based closely on ref B. Discussion of how to manage the Russians and maintain a unified Alliance position occupied much of the meeting. Welcoming remarks by Philippe Carre, Director of the Bureau of Strategic Affairs for Security and Disarmament at the MFA,

sounded a dissonant note as Carre returned to familiar themes regarding the need to plan for post-CFE arms control when the U.S. plan failed. This set of ideas was not echoed at any other point in the meeting.

¶4. (C) France (Grand) and Germany (Biontino) stated frankly that they would not support an effort, should the U.S. pursue it, to convert the U.S. parallel actions plan into a formal NATO proposal. Biontino was explicit: if the U.S. sought to get Allied agreement on its text, there would be problems because Germany did not agree with our interpretation of the Istanbul commitments regarding Moldova. Grand argued that a general NATO endorsement of the parallel actions concept at the HLTF would leave the U.S. free to negotiate details with Russia. While somewhat taken aback by the strength of French and German concern on this point (which leaves Germany free to maneuver, as well as the U.S.), the U.S. and UK accepted the Franco-German approach since we had not intended to transform the concept into a formal NATO paper, but rather we planned to seek the clear support of all Allies at the HLTF meeting. UK rep Ford, Grand, and Look stressed the need for a unified message to Russia, particularly at the German-hosted CFE seminar, October 1-2, in support of the U.S. concept. (COMMENT: While Biontino, during this meeting, seemed to concede the need for a unified message, including at the upcoming seminar, he did not echo that sentiment during the HLTF. END COMMENT). Look advised that at the HLTF she would seek Allies, input to a ratification matrix to flesh out this key detail of the U.S. concept, since A/S Fried was likely to address CFE in his meeting with Kislyak and we will need details for the ratification side of the ledger.

¶5. (C) In the HLTF on the 13th, Allies unanimously (except Denmark, which did not speak on any topic) endorsed the U.S. parallel actions plan as a basis for ending the current impasse with Russia on fulfillment of remaining Istanbul Commitments and ratification by NATO Allies of the Adapted CFE Treaty. Conceptual support appears rock solid ) several Allies noted that the U.S. proposal is the only game in town that has a hope of saving CFE. That said, comments from Allies touched on the following points:

-- A number of Allies voiced concerns about specific aspects of its implementation.

-- Several Allies underscored the need to consider how NATO-Russia agreement to move on the parallel actions plan could be recorded in a way that elicited a politically binding commitment from Russia (some Allies suggested a NATO-Russia written statement/document, while others stated they could be satisfied with something less formal).

-- Another widely shared concern was how to protect against Russian backtracking once NATO Allies had started down a ratification path.

-- Many also noted the importance of Russia withdrawing its threat to suspend. Turkey added that it would also be important for Russia to retract its views on eliminating the flank.

-- All three Baltic states endorsed the parallel actions plan while stressing the need for Alliance consultations on accession to CFE by the Baltic states prior to any discussion with Russia. As we heard in Vilnius at the end of August (ref C) the Baltic States are reluctant to begin informal consultations with Russia on accession to Adapted CFE as a near-term political gesture, arguing that those talks could lead them to make commitments (unspecified) that would ultimately undermine their position in actual accession negotiations. Several Allies, prepped by the U.S. team in advance, underscored that in any discussion with Russia the Baltics could count on total NATO support. HLTF chairman Bob Simmons said he would seek IMS input on military considerations. (COMMENT: A proposed schedule for intra-Alliance discussions will be set out by the U.S. in the

next weeks. END COMMENT).

¶6. (C) The overall positive Allied response was facilitated by U.S. Rep Look's reports of the Fried-Kislyak discussion of CFE in Paris. The fact that the U.S.-Russia exchange had focused on the specific ideas in the paper, including concrete ideas for next steps; had not dissolved into recriminations about linkage between Istanbul and Adapted CFE ratification; and had resulted in plans for further meetings, all had the effect of galvanizing Allies into action. She noted that we should use all opportunities to promote the plan, including the upcoming German-sponsored seminar.

¶7. (C) France (Grand) not only supported the U.S. plan, but endorsed the approach as essential, urged the HLTF to confirm support for it and complete the ratification matrix. Grand also noted the importance of using the Berlin Seminar to push the U.S. plan. Norway strongly echoed France's comments and support.

¶8. (C) Germany (Biontino) while praising the U.S. plan, noted that flexible and open discussion is what we need and said that Germany favored informal meetings. Biontino then described expectations in Berlin as a platform for open-ended informal discussions. He also stated that Allies should use Berlin to discuss amongst ourselves what should be our bottom lines with respect to getting Istanbul fulfilled and the A/CFE into force, clearly implying that the U.S. plan was not Germany's bottom line. Biontino continued, regarding mechanics for the meeting, to say that Germany (Groening) would listen to reps introductory statements at the seminar and then he would decide what issues would be discussed in the small groups. Biontino said that Germany's view is that the Alliance positions coming from the CFE Extraordinary Conference in June 2007, were rough and need to be refined, and that the seminar is the place to do that. Biontino concluded his remarks with a point Germany had gathered from its discussion with Russian DFM Kislyak that President Putin had made the decision to suspend CFE Treaty implementation and that he would have to be consulted on any change to that action.

¶9. (C) France, Canada, Norway, the UK, Turkey, Romania, and others all underscored that the U.S. plan is a good offer to Russia and urged Allies to use the German seminar to send a unified message urging Russia to engage on the basis of it. Canada countered Germany's call for open-ended discussion by pointing out that Allies actually had very little room for maneuver if we were to remain true to the basic principle that Istanbul must be fulfilled as the basis for entry into force of the Adapted Treaty.

¶10. (C) The UK rep eloquently echoed this theme, making clear that NATO must, in promoting the parallel actions plan, also hold the line on the core principles that keep us in the Treaty; host nation consent and fulfilling Istanbul commitments. The UK also emphasized the need to retain freedom of action on the legal issue, including by registering that Allies do not consider Russia's justification for suspension as adequate and the requirement stated in the Vienna Convention to object within ninety days of the notification. (Comment: The UK had planned to raise the idea of a statement on this point at the HLTF, but had run into a buzz-saw at the key Allies meeting in Paris, partly because Germany did not share its legal analysis, but partly also because of the content of a detailed UK draft statement, which envisaged all NATO Allies that are parties to the Vienna Convention to individually deliver essentially identical objections to the depositary. In response to UK rep Ford, U.S. rep Look made clear that the U.S. would support a simple message that NATO did not consider Russia's stated justification for suspension to be adequate, but warned in the key Allies meeting that the UK draft text looked problematic on several fronts. END COMMENT).

¶11. (C) Romania (Micula), with the benefit of a 3-hour

bilateral dinner with Look and EUR/RPM DepDir Jennifer Laurendeau the previous evening, welcomed the U.S. plan but stressed that &filling in the blanks8 would be essential, including to allow Romania to sell the plan of multi-stage ratification process to its Parliament. Preserving the appearance of unity could be difficult when some Allies had ratified, and others not. (COMMENT: This is a fair question that Allies have puzzled over for weeks. END COMMENT). It would also be important to guard against accusations of bad faith if Parliaments did not respond on the schedule envisioned by the executive branch.

¶12. (C) Not business as usual. Several countries, most vigorously France, also noted that it will NOT be business as usual after December 12, if Russia suspends implementation of the CFE Treaty. Grand was a key promoter of using the Berlin Seminar to press Russia to move forward based on the U.S. plan, and maintaining Alliance unity behind it. His call also to use the seminar to send Russia a clear message that suspension would not come without cost found wide support -- but not with Germany. U.S. rep Look, following all Allies, remarks regarding the U.S. plan, thanked them for their support for the plan, noting that it had been built on ideas many had put forward over the past months. She emphasized that pursuit of this plan will need to be a collective endeavor: unity of purpose will be key as will using every opportunity to press for its success.  
Developing a Ratification Matrix  
-----

¶13. (C) Partly to facilitate the next U.S.-Russia discussion of CFE (envisioned for September 21 in Washington) Allies, at U.S. urging began to develop a matrix of ratification plans, fleshing out the three ratification tranches envisioned in the U.S. plan. Several Allies asked to be placed in the first tranche: Norway, Italy, Hungary, Netherlands, Belgium, and Luxembourg. Of these, only Hungary, Norway, and Bulgaria envision that they could complete the process in 3-4 months; others want to begin the ratification process early, not to send a political signal, but because their national procedures are so slow. The Czech Republic asked to be placed in the second tranche; the U.S, UK, Romania, and Turkey envision themselves in the final tranche. The UK noted that it has completed its requirements for ratification and has only to place the Treaty before Parliament for 21 days, and prepare the instruments of ratification for signature prior to depositing with the Netherlands.

-- Many Allies were not ready to position themselves in a tranche, but this will be elaborated once the I.S. circulates a draft matrix early during the week of September 17. The Czech rep suggested that &the big Allies8 should place

themselves in the final tranche, because they were better placed to sustain any political pressure from Russia.

¶14. (C) Hesitations and Concerns: It was conspicuous that no Ally criticized the U.S. for unilateral action on the parallel action plan. All welcomed the U.S. initiative; several (Germany, France, Italy, The Netherlands, Norway) said it resembled ideas they had advanced in the past. The one sour note came from Germany, which argued that if the U.S. plan had been advanced last year, it would have succeeded; but now the Russian position had changed, and prospects for CFE were much dimmer. Behind the enthusiasm lie a number of specific concerns that the U.S. will have to address in the next weeks.

#### German Seminar and French Follow-On Meeting -----

¶15. (C) In an ironic twist, it was not U.S.-Russia negotiations that generated most Allied anxiety at this meeting, but concerns, including by the U.S. rep, about German plans for their upcoming seminar in Berlin. What we heard from Germany and others amounts to the following:

-- Host Fritz Groening plans to hold several heads of delegation-only events in order to &brainstorm.8 Most Allies view this as an effort to press Allies to step away

from established NATO positions.

-- The Germans also envision a number of small group discussions, which several Allies told us they view as an effort to divide the delegations. Among these are the little known key Allies (UK, FR, U.S., and GE)-and likely key Allies-plus-Russia events; and small group discussions on a variety of topics. Romania has been asked to chair the exchange on accession by new states parties<sup>8</sup>; Norway has been asked to chair the session on Istanbul Commitments. Both chairs are worried about what will happen elsewhere while they are occupied.

-- An overwhelming number of Allies ) notably not Germany - used the tour de table on the U.S. parallel action plan to suggest Allies use the Berlin Seminar to press Russia to sign up to the U.S. plan, not divert from NATO positions. All except Germany underscored the need for a unified NATO message at the event.

¶16. (C) The French Rep (Grand) tried to assuage Allied concerns, with a moving speech urging Allies to use every opportunity in the coming weeks to promote the U.S. plan with Russia; to convince Russia that there would be consequences if it went ahead with suspension in December; and to reassure Turkey and Norway that Allies would unanimously oppose any review of Adapted Treaty provisions prior to entry into force.

#### I.S. Legal Analysis of Russia,s Suspension Plans

-----

¶17. (C) NATO,s Legal Advisor B. DeVidts gave a highly technical presentation (ref D) concerning the Russian notice of suspension and the application of customary international law as reflected in the Vienna Convention on the Law of Treaties. The presentation did not, unfortunately, address specific questions raised regarding the validity of the Russian notice to suspend implementation of the CFE Treaty. Although ambiguous, his analysis could be understood to refute the Russian theory that suspension was a lesser included right<sup>8</sup> under the Treaty withdrawal provision by stating that the notice of suspension<sup>8</sup> does not fulfill the requirements provided in the CFE Treaty for a withdrawal.

-- Asked by several Allies whether NATO,s July statement in response to the Russian notification of intention to suspend would serve as a sufficient objection to the adequacy of the Russian justification and the legitimacy of the Russian legal analysis, DeVidts did not give a clear answer, saying only that he would reflect on the question and provide a response.

#### Any Other Business

-----

¶18. (C) France stated that it plans to hold a follow on CFE seminar on November 5-6 if the seminar in Berlin proves useful. The next HLTF is currently planned for October 19, with the possibility of moving that meeting to October 11 if the U.S. wants additional formal Allied input before the 2 2 event.

¶19. (C) U.S. Rep Look, noting that the agenda included the food for thought paper on a Seminar on Implementation of the Adapted CFE Treaty,<sup>8</sup> reminded Allies of the importance of this workshop next Spring, which should go forward provided Russia does not suspend implementation of the Treaty in December.

NULAND